



PLANNING COMMISSION SYNOPSIS

Wednesday, May 11, 2005

4:00 PM STUDY SESSION

Room 400

Discussion of Parks planning strategy

(Joint session with Parks Commission)

6:00 p.m. Regular & General Plan Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of *Wednesday, May 11, 2005*. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

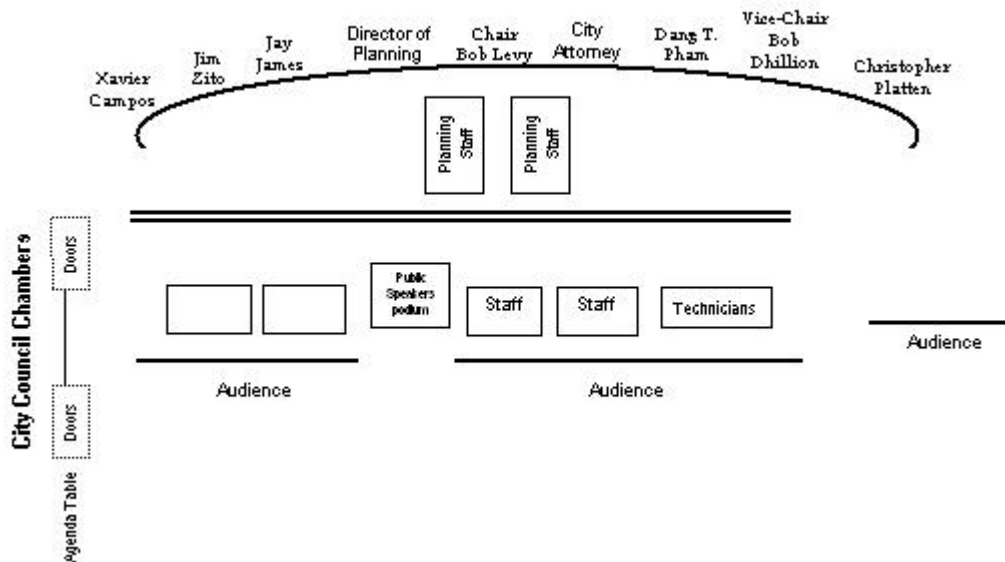
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT, AND PHAM ARRIVED AFTER 2. DEFERRALS.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP05-007**. Conditional Use Permit application to allow a billiards hall (pool room with seven tables) to operate within a new 5,335 square foot retail building on a .40 gross acre site in the CN Neighborhood Commercial Zoning District, located on south side of Senter Road, approximately 330 feet southeast of Lewis Road, (2955 SENTER RD) (Blue Creek Props LLC, Nguyen Hung And Tina, Owner). Council District 7. SNI: None. CEQA: Exempt. Continued from 4-11-05.

WITHDRAWN BY APPLICANT

- b. The items being considered are located at the northwest corner of the intersection of Story Road and McLaughlin Avenue (1145 Story Road) on a 0.88-acre site. (Kim Nguyen, Owner/Miro Design Group, Applicant). Council District: 7. SNI: None. CEQA: Mitigated Negative Declaration Pending.
1. **GP04-07-02 and C05-007**: PROTEST OF A MITIGATED NEGATIVE DECLARATION for a General Plan amendment to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial, and Conforming Rezoning from Industrial Park to CN Commercial Neighborhood on a 0.88-acre site to allow commercial uses on the site.

DEFERRED TO MAY 25, 2005 (6-0-1; PHAM ABSENT)

2. **GP04-07-02**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial.

DEFERRED TO MAY 25, 2005 (6-0-1; PHAM ABSENT)

3. **C05-007**: CONFORMING REZONING from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses on a 0.88 gross acre site

DEFERRED TO MAY 25, 2005 (6-0-1; PHAM ABSENT)

- c. **GP04-07-03**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Combined Industrial/Commercial for the property located on the east side of Senter Road (2266 and 2276 Senter Road and 639 Quinn Avenue), approximately 200 feet northwesterly of Quinn Avenue on a 3.86-acre site. (Victor J. LoBue, The LoBue Living Trust, Owner/Aaron Barger, Green Valley Corporation dba Barry Swensen Builder, Applicant). Council District: 7 SNI: Tully/Senter. CEQA: Mitigated Negative Declaration.

DEFERRED TO MAY 25, 2005 (6-0-1; PHAM ABSENT)

- d. **GP04-08-01**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office for the property located at the east side of South White Road (3160 South White Road), approximately 920 feet northerly of Aborn Road on a 0.66-acre site. (Bracamantes 2001 Trust, Owner/ Rigo Bracamantes, Applicant). Council District: 8. SNI: None. CEQA: Mitigated Negative Declaration Pending.

DEFERRED TO MAY 25, 2005 (6-0-1; PHAM ABSENT)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **CP05-011**. Wireless - Conditional Use Permit (CUP) to allow the installation of eight wireless antennas on an existing building on a 100.79 gross acres site in the R-1-5 Single-Family Residence Zoning District, located at the northeast corner of San Felipe Road and Yerba Buena Road (2750 SAN FELIPE RD) (San Jose /Evergreen Community College, Owner). Council District 8. SNI: None. CEQA: Exempt.

APPROVED (6-0-0-1; PHAM ABSTAINED)

- b. **CP05-009**. Conditional Use Permit to install three wireless communications antennas to an existing utility pole and an associated 90 square foot equipment cabinet on a 3.93 gross acre site in the A Agricultural Zoning District, located at/on east side of Highway 101, 1,300 feet southerly of Yerba Buena Avenue (3814 DOVE HILL RD) (Smith Lovetta E Trustee, Owner). Council District 8. SNI: None. CEQA: Exempt. Deferred from 4-11-05.

APPROVED (6-0-0-1; PHAM ABSTAINED)

COMMISSIONER ZITO INQUIRED WHETHER LARGER TREES WOULD BE BETTER MITIGATION. STAFF RESPONDED THAT 15-GALLON TREES WOULD BE A BETTER SIZE TO ESTABLISH AT THIS LOCATION WITH CAREFUL PLACEMENT TO MAXIMIZE BENEFIT.

- c. [CP04-095](#). Conditional Use Permit to demolish an existing gas station and construct a new gas station with a 886 square foot pay sales building and a 4,184 square foot canopy on a 0.53 gross acre site in the CN Neighborhood Commercial Zoning District, located at northwest corner of East Capitol Expressway and McLaughlin Avenue (1091 East Capitol Expressway) (Namimatsu, Kanda, Inouye and Matsumoto Family Trusts, et al, Owners; Palisades Gas & Wash, Inc., Developer). Council District 7. SNI: None. CEQA: Exempt.

APPROVED (6-0-0-1; PHAM ABSTAINED)

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [An Ordinance amending Chapters 20.70 and 20.80 of Title 20](#) of the San Jose Municipal Code to streamline the permitting process for temporary outdoor events in the downtown core; allow live/work uses as of right in the downtown core; amend the boundaries of the DG downtown ground-floor space overlay area; and amend the downtown off-street loading requirements. Council District 3. SNI: Market-Almaden. CEQA: Exempt, PP05-088.

RECOMMEND APPROVAL (7-0-0)

IN RESPONSE TO COMMISSIONER LEVY, STAFF CLARIFIED STREETS WITHIN GROUND FLOOR DG OVERLAY DISTRICTS, AND NOTED THAT OFFICE SPACE ON GROUND FLOORS "DEADEN" THE PEDESTRIAN INTERFACE AT STREET LEVEL. IN RESPONSE TO COMMISSIONER ZITO, STAFF CLARIFIED THAT AREAS REMOVED FROM OVERLAY WOULD HAVE LESS RESTRICTIVE REQUIREMENTS, AND AS RETAIL IS ALLOWED THROUGHOUT DOWNTOWN, THE SITES WHERE OVERLAY IS REMOVED WOULD NOT BE LEGAL NON-CONFORMING, JUST LEGAL.

- b. [PDC04-093](#). Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 91 single-family attached residences on a 4 gross acre site, located on the northwest corner of King and Mabury Roads (1685 MABURY RD) (Cherry Acres, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 5-2-05.

RECOMMEND DENIAL (5-1-0-1; PLATTEN OPPOSED AND DHILLON ABSTAINED)

COMMISSIONER JAMES ASKED THE APPLICANT ABOUT THE PROJECT SETBACK FROM THE RESIDENTIAL PROJECT TO THE NORTH AND WHY THE RESIDENTIAL DESIGN GUIDELINES (RDG) RECOMMENDED 80 FEET WAS

NOT PROVIDED. THE APPLICANT RESPONDED THAT THE 20 FEET PROPOSED WAS THE SETBACK TO THE LIVING SPACE AND WAS A SETBACK TYPICAL FOR PROJECTS TODAY. ONE AREA SPEAKER COMMENTED THAT THE BRIDGE CROSSING ON KING ROAD IS TOO NARROW AND THIS PROJECT WOULD ADD MORE PEDESTRIANS. COMMISSIONER CAMPOS ASKED WHY THE PROJECT COULD NOT PROVIDE THE 300 SQUARE FOOT OF PRIVATE OPEN SPACE RECOMMENDED IN THE RDG. THE APPLICANT RESPONDED THAT INCREASING THE SIZE OF PRIVATE PATIOS COULD HARM THE AESTHETICS OF THE BUILDINGS AND IN SOME CASES, ENCROACH INTO THE PUBLIC OPEN SPACE. COMMISSIONER ZITO COMMENTED THAT THE GUIDELINES MAY BE BEHIND THE TIMES FOR DEVELOPMENT AND STAFF RESPONDED THAT NATURE OF INFILL PROJECTS IS SHIFTING OVER TIME AND THAT DIFFERENT LEVELS OF OPEN SPACE ARE APPROPRIATE FOR DIFFERENT UNIT TYPES.

COMMISSIONER ZITO ASKED FOR CLARIFICATION REGARDING THE DIFFERING STAFF RECOMMENDATIONS REGARDING AN ON-SITE PARK. PARKS DEPARTMENT STAFF COMMENTED THAT A TOT LOT WOULD BE DEVELOPED ON A SITE WALKING DISTANCE TO THE NORTH, AND THAT THE ECONOMICS REGARDING PARKS MAINTAINANCE HAD CHANGED AFTER THE INITIAL MEMORANDUM REQUESTING AN ON-SITE PARK. STAFF COMMENTED THAT THE 0.8 ACRE PARK SITE WHICH COULD HAVE BEEN PROVIDED ON THE PROJECT SITE WOULD NOT LIKELY BE DEVELOPED AS A PARK SEPARATELY FROM NEW RESIDENTIAL DEVELOPMENT WITH A PARK DEDICATION ON ADJOINING PROPERTY TO THE WEST, AND WOULD THEREFORE BE LAND BANKED A LONG TIME. COMMISSIONER ZITO INQUIRED AS TO THE LOCATION OF NEAREST 2-ACRE PARK WHICH STAFF CLARIFIED AS AT JACKSON AND COMMODORE.

COMMISSIONER ZITO MOVED TO RECOMMEND DENIAL OF THE PROJECT DUE TO LACK OF NEW PARKLAND WHICH IS AT A PREMIUM IN THIS PART OF THE CITY, AND THAT THE PROXIMITY OF OTHER USABLE PARKS OTHER THAN A LOT TOT IS 2/3 OF A MILE OR OVER A FREEWAY AND NOT READILY ACCESSIBLE, AND THAT CITY SHOULD BE CONSIDERING THE ABILITY OF THIS SITE TO PROVIDE PARKLAND THAT WOULD HAVE POTENTIAL TO EXPAND IN FUTURE. COMMISSIONER ZITO ALSO EXPRESSED CONCERN, ECHOED BY COMMISSIONER CAMPOS, ABOUT THE PROJECT SETBACK OF ONLY 20 FEET WITH 8-FOOT ENROACHMENTS FROM THE RESIDENTIAL PROJECT TO THE NORTH, AND THAT THE BALANCE OF PROVIDED PRIVATE OPEN SPACE WAS NOT APPROPRIATE, AND THAT TOGETHER WITH THE CONCERN ABOUT PARKLAND ON-SITE, TOO MANY ISSUES REMAINED TO BE ABLE TO SUPPORT THIS INFILL PROJECT.

- c. [C04-067](#). Rezoning from CG Commercial General Zoning District to DC Downtown Primary Commercial Zoning District to allow residential uses on a 0.09 gross acre site located at the northwest corner of N. 2nd Street and Devine Street (257 N 2ND ST) (Harding Walter, Owner). Council District 3. SNI: None. CEQA: Use of San Jose 2020 General Plan EIR, Resolution No. 65459.

RECOMMEND APPROVAL (7-0-0)

IN RESPONSE TO COMMISSIONER ZITO, STAFF CLARIFIED THAT THE PROPOSED REZONING WOULD ALLOW A RANGE OF USES ON THE SITE INCLUDING RESIDENTIAL, COMMERCIAL AND LIVE/WORK USES.

- d. [PDC04-092](#). Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 7 single-family detached residences on a 0.95 gross acre site, located on the west side of Delmas Avenue at the terminus of Dorothy Avenue (1235 DELMAS AV) (Lo Bue Victor J Trustee & Et Al, Owner; Stonebridge Development Brandon Au, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (7-0-0)

STAFF RECOMMENDATION WITH INCREASE OF BUILDING SETBACK FROM PROPERTY LINE ADJACENT TO TRAIL FROM 3 TO 5 FEET, AND REDUCED GARAGE DOOR SETBACK FROM DELMAS AVENUE FROM 23 TO 20 FEET.

THE APPLICANT EXPRESSED CONCERNS REGARDING GARAGE SETBACK FROM DELMAS AND SIDE SETBACK OF HOME ON OTHER TRIANGULAR LOT, AND ADEQUACY OF ONSITE PARKING TO ADDRESS RESIDENT CONCERNS.

NEIGHBORHOOD RESIDENTS EXPRESSED CONCERN REGARDING MASSING OF PROPOSED NEW HOMES, COMPATIBILITY OF LARGE HOMES WITH EXISTING ONE-STORY SMALL HOMES ON STREET, ADEQUACY OF PROPOSED ON-SITE GUEST PARKING AND SECURE FUTURE PUBLIC ACCESS TO TRAIL ALONG NEW PRIVATE STREET. RESIDENTS COMMENTED THAT 3 EXISTING HOUSES COULD HAVE BEEN RETAINED, BUT THAT IF NOT POSSIBLE, ARCHITECTURAL TECHNIQUES SHOULD BE USED LIKE WRAP-AROUND PORCHES AND SECOND-STORY SETBACKS TO BLEND NEW HOMES WITH EXISTING. COMMISSIONER LEVY COMMENTED EXISTING HOUSES SEEMED TO BE IN SERIOUS DISREPAIR WHICH WAS CONFIRMED BY RESIDENTS WHO FURTHER NOTED 5 HOUSES WOULD ULTIMATELY FRONT ONTO DELMAS, AND EXPRESSED APPRECIATION THAT THE APPLICANT HAD REORIENTED HOMES TO FRONT ONTO DELMAS, AND TURNED GARAGES TO NOT BE VISIBLE FROM THE STREET FOR 4 OF 5 HOMES.

THE APPLICANT EXPRESSED APPRECIATION FOR NEIGHBORHOOD COMMENTS AND CONFIRMED WILLINGNESS TO WORK WITH NEIGHBORHOOD ON ARCHITECTURE AND DESIGN AT PD PERMIT STAGE, AND TO PROVIDE VISUAL "WINDOW" TO TRAIL FROM SIGHT LINE FROM DOROTHY AVENUE AND ACCESS TO TRAIL FOR AREA RESIDENTS. THE APPLICANT CLARIFIED THAT REMOVAL OF 2 ON-STREET PARKING SPACES ON NEW PRIVATE STREET WOULD NOT REDUCE THE GUEST PARKING PROVIDED BELOW STANDARD. COMMISSIONER JAMES COMMENTED THAT THE 3-FOOT SETBACK ON TRAIL EDGE WAS MINIMAL

AND APPLICANT RESPONDED IT WAS SHOWN AS MINIMUM, BUT WOULD LIKELY BE AT LEAST 5 FEET. THE APPLICANT ALSO CLARIFIED RESPONSE TO COMMISSIONERS JAMES THAT ADDITIONAL 2ND STORY SETBACKS AND PORCHES COULD BE CONSIDERED AT THE PD PERMIT STAGE, AND THAT CONCERN REGARDING INCREASED GARAGE SETBACK TO DELMAS WAS THAT A GREATER SETBACK COULD DECREASE REAR YARD AREA. COMMISSIONER LEVY NOTED THREE CONCERNS: SETBACKS ON TRIANGULAR PARCELS, COMPATIBILITY WITH NEIGHBORHOOD AND POSSIBLE TRAIL IMPACTS FROM 3-FOOT SETBACK.

STAFF CLARIFIED 9 GUEST SPACES WOULD BE AVAILABLE ON DELMAS AND THAT REDUCING ON-SITE GUEST SPACES TO 6 WOULD STILL PROVIDE ADEQUATE GUEST PARKING. STAFF COMMENTED THAT ZONING LEVEL ISSUES WELL RESOLVED WITH GOOD LOTTING PATTERN, HOME ORIENTATION, REAR GARAGE ACCESS AND PARKING, AND THAT ARCHITECTURE USUALLY IS PD PERMIT ISSUE, AND THAT APPLICANT, STAFF AND NEIGHBORHOOD RESIDENTS WOULD WORK TOGETHER AT PERMIT STAGE TO ADDRESS MASSING. STAFF NOTED THAT A 3-FOOT SETBACK COULD BE INCREASED TO 5 FEET, AND THAT STAFF COULD COMPROMISE ON 20-FOOT GARAGE SETBACK FROM DELMAS, BUT THAT 15-FOOT SETBACK FROM NEIGHBORING REAR YARD IS APPROPRIATE AND SHOULD NOT BE FURTHER REDUCED. COMMISSIONER JAMES MOVED APPROVAL OF STAFF'S RECOMMENDATION WITH AN INCREASED SETBACK OF 5 FEET TO TRAIL, AND UPON SUGGESTION OF COMMISSIONER LEVY, A 20-FOOT GARAGE SETBACK FROM DELMAS AVENUE.

- e. [CP05-015](#). Conditional Use Permit for a circus for the period from December 5, 2005 to March 10, 2006 including (1) the necessary preparation and installation of equipment such as tents, signs, fences, generators, and lighting equipment, (2) the operation of concession stands for the sale of merchandise and food, or restaurants for the sale and consumption of food and nonalcoholic and alcoholic beverages; (3) the holding of promotional events; (4) the operation of a ticket box office for the sale of show tickets; and (5) the installation of sanitary vans, office trailer and kitchen facilities for use by staff on an existing surface parking lot in the CO Office Commercial Zoning District, located on the west side of North San Pedro Street, between Taylor and Mission Streets (176 ASBURY ST) (City of San Jose, Owner). Council District 3. SNI: None. CEQA: Exempt.

APPROVED (7-0-0)

COMMISSIONER CAMPOS EXPRESSED CONCERN ABOUT POSSIBLE LITTER AND DAMAGE IN PRIVATE PROPERTY LANDSCAPING FROM PATRONS OF THE PROJECT. THE APPLICANT CLARIFIED EXTRA TRASH BINS BROUGHT TO THE SITE, AND IN ALL DIRECTIONS, AND CONDITION THAT LITTER WITHIN 200 FEET OF THE PROJECT BE CLEANED UP DAILY, AND NOTED THAT EXTRA FENCING LIKE THAT USED FOR PROJECT SITE COULD BE USED TO PREVENT "SHORTCUTS" THROUGH PRIVATE LANDSCAPING. A REPRESENTATIVE OF THE COUNTY PUBLIC DEFENDER'S OFFICE EXPRESSED CONCERN ABOUT PARKING AVAILABILITY TO CLIENTS. THE

PRESIDENT OF THE VENDOME NEIGHBORHOOD ASSOCIATION COMMENTED THAT THE NEIGHBORHOOD SUPPORTED THE PROJECT, THAT INCLUDING RESIDENTS TO DEVELOP PARKING MANAGEMENT PLAN WAS A GOOD CONDITION AND THAT THE CIRCUS WILL HAVE GOOD BENEFITS TO BUSINESSES AND RESTAURANTS ON FIRST STREET AND IN JAPANTOWN.

STAFF CLARIFIED CITY IS RESPONSIBLE FOR OFF-SITE PARKING AND WILL DEVELOP MANAGEMENT PLAN STARTING IN MID-AUGUST AFTER MOST CITY WORKERS MOVE TO DOWNTOWN AND REMAINING PARKING DEMAND CAN BE ASSESSED, AND THAT SPACE LEASED IN COUNTY GARAGE WOULD LIKELY PROVIDE PARKING FOR REMAINING CITY EMPLOYEES. COMMISSIONER PLATTEN EXPRESSED SEVERAL CONCERNS ABOUT PARKING ISSUES, AND STRESSED THAT POLICE SECURITY ISSUES MUST BE ADDRESSED, THAT OFF-SITE PARKING CONSTRAINTS COULD MAKE IT DIFFICULT FOR CLIENTS TO SEE A PUBLIC DEFENDER EN ROUTE TO COURT, AND THAT OTHER USERS AND BUSINESSES IN THE AREA HAVE BEEN ANTICIPATING MORE PARKING AVAILABILITY WITH CITY HALL MOVE. STAFF CLARIFIED THAT PARKING TEAM WOULD INCLUDE POLICE STAFF, RESIDENTS AND REPRESENTATION FROM PUBLIC DEFENDER'S OFFICE, AND COMMENTED THAT MANY POLICE OFFICERS CURRENTLY PARK IN THE COUNTY GARAGE. COMMISSIONER JAMES ASKED WHAT LAND USES WERE ADJACENT TO IDENTIFIED "PARKING STREETS" AND STAFF RESPONDED THAT MOST USES ARE CIVIC AND BUSINESS USES, AND THAT VENUE IS ONLY 2 BLOCKS FROM LIGHT RAIL AND SHUTTLES WOULD LIKELY BE PROVIDED TO DOWNTOWN AND JAPANTOWN. COMMISSIONER ZITO ENCOURAGED FUTURE WORK WITH AREA RESIDENTS AND SUGGESTED WORKING TO PARTNER WITH VTA TO INCREASE RIDERSHIP ON BUSES AND LIGHT RAIL. COMMISSIONER PLATTEN EXPRESSED SUPPORT FOR CIRCUS PRODUCTION, BUT REITERATED CAUTIONS REGARDING PARKING AVAILABILITY FOR POLICE AND PUBLIC DEFENDER CLIENTS. IN RESPONSE TO COMMISSIONER JAMES, APPLICANT CLARIFIED CIRCUS WOULD BE RESPONSIBLE FOR VERIFIED DAMAGE TO PRIVATE PROPERTY IN AREA, BUT TYPICAL CLIENTELE WOULD NOT LIKELY CREATE DAMAGE.

- f. [PDC05-003](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District on 5.74 acres to allow up to 25 single-family detached residences, and A Agriculture District on 3.18 acres to allow continued use of a single-family residence, located at the northwest corner of McAbee Road and Skyfarm Drive (17571 McAbee Road) (Anthony G. Pierce Sr., Owner; Summerhill Homes, Elaine Breeze, Developer). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (6-0-0-1; LEVY ABSTAINED)

IN RESPONSE TO COMMISSIONERS JAMES AND ZITO, THE APPLICANT AND STAFF CONFIRMED PARCEL 1 WOULD NOT BE PART OF PROJECT. AREA RESIDENTS ASKED FOR AREA TO BE SET ASIDE FOR HIKERS, THAT STOP SIGNS BE INSTALLED TO INCREASE TRAFFIC SAFETY, AND COMMENTED

THAT GIVEN NUMEROUS WILDLIFE SPECIES IN THE AREA, AN EIR SHOULD HAVE BEEN PREPARED. OTHER RESIDENTS COMMENTED ON PARKING SHORTAGE FOR COUNTY PARK ACCESS AND THAT EXISTING ON-STREET PARKING WILL BE AFFECTED BY NEW HOMES WITH DRIVEWAY CURB CUTS, AND THAT PARCEL 1 COULD POSSIBLY SOLVE PARKING PROBLEM WITH CONDITION FOR PROJECT APPLICANT TO ENTER INTO AGREEMENT WITH COUNTY TO DEVELOP PARKING LOT THERE. COUNTY PARKS STAFF COMMENTED THAT PARKING HAS BEEN SIGNIFICANT ISSUE, AND SITUATION IS BEING MONITORED AND COUNTY WILLING TO WORK WITH PROJECT APPLICANT, CITY STAFF AND OWNER OF PARCEL 1 TO POSSIBLY DEVELOP PARKING LOT. COMMISSIONER JAMES INQUIRED WHAT AMOUNT OF PARKING COULD BE ALLEVIATED IF NEW LOT CONSTRUCTED WITH COUNTY STAFF RESPONDING ABOUT 75-SPACE LOT WOULD MELT DEMAND.

CITY STAFF CLARIFIED THAT PARKING LOT IS NOT PROPOSED WITH OR A CONDITION OF THE PROJECT, AND THAT NO CEQA REVIEW HAD BEEN DONE, AND THAT THE PARCEL WOULD RETAIN A STRUCTURE AND HAS A 100-FOOT RIPARIAN SETBACK. THE APPLICANT COMMENTED THAT STOP SIGNS WILL LIKELY BE ADDED AS PROJECT DEVELOPS AND THAT THE PROJECT WILL COMPLY WITH ALL MITIGATIONS OF ENVIRONMENTAL REVIEW. COMMISSIONER CAMPOS CLARIFIED WITH APPLICANT THAT WHILE DEVELOPER WILLING TO WORK TO DEVELOP A GARAGE, THAT DEVELOPER FELT CONDITION INAPPROPRIATE. THE DEPUTY DIRECTOR AND COUNSEL BOTH STATED THAT WITHOUT CEQA CLEARANCE, THE COMMISSION COULD NOT IMPOSE A CONDITION TO DEVELOP A PARKING LOT AND ONLY ALTERNATIVE WOULD BE TO DEFER TO ALLOW CEQA REVIEW.

STAFF SUMMARIZED THAT ALL IMPACTS WOULD BE MITIGATED AND NO EIR REQUIRED, THAT THERE WILL BE PARKING ON NEW PUBLIC STREET AND THAT APPLICANT HAS AGREED TO MAKE FRONTAGE IMPROVEMENTS ON PARCEL 1 AND STOP SIGNS WOULD BE ADDED. COMMISSIONERS ZITO AND JAMES ASKED FOR INFORMATION ABOUT SOILS ANALYSIS WHICH STAFF CLARIFIED WAS ADDRESSED IN MEMORANDUM FROM CITY'S TOXIC SPECIALIST, AND FOR CLARIFICATION ON REVISED DEVELOPMENT STANDARDS WHICH STAFF COMMENTED CHANGES REFLECTED THAT LOTS GREATER THAN 6000 SQUARE FEET WERE NOT COVERED BY RESIDENTIAL DESIGN GUIDELINES, AND THAT FRONT SETBACK HAD BEEN REDUCED ON 2 INTERIOR LOTS DUE TO SLOPE ON PROPERTY. THE CITY ATTORNEY REITERATED THAT THE COMMISSION AND CITY HAD NO ABILITY TO REQUIRE A "SIDE AGREEMENT" FOR PARKING LOT DEVELOPMENT AS NO NEXUS EXISTS TO BURDEN THIS PROJECT WITH REMEDY OF EXISTING SITUATION.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

NONE

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE

7. GOOD AND WELFARE

- a. Report from City Council

CITY COUNCIL DIRECTED STAFF TO PROPOSE SECONDARY UNITS PILOT PROGRAM, FOCUSED ON LOTS OF 6000 SQUARE FEET, WITHIN BUILDING ENVELOPE. PILOT PROGRAM WILL BE BROUGHT BACK TO COMMISSION.

- b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).

NO AIRPORT UPDATE

- Coyote Valley Specific Plan (Platten)

NO UPDATE ON COYOTE PROCESS FROM COMMISSIONER PLATTEN. THE CITY ATTORNEY COMMENTED ON DISCUSSION REGARDING TRIGGERS-FINER GRAIN, ADDED OTHER PROVISIONS, RATIOS, CERTIFICATIONS, ETC. MAYOR REITERATED 16 MAJOR PRINCIPLES.

- c. [Review of synopsis](#)

8. ADJOURNMENT

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, April 11	CANCELLED	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
Monday, April 11	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
Monday, May 2	4:00 p.m.	<i>Study Session</i>	Room 216B
		<i>Review CIP</i>	
Monday, May 2	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
May 25	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Thursday, June 2	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, June 6	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
June 8	CANCELLED	Regular Meeting	Council Chambers
Wednesday, June 15	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	6:00 p.m.	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers
August 10	6:00 p.m.	Regular Meeting	Council Chambers
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers